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VIA ECF

Hon. Miroslav Lovric
Magistrate Judge
U.S. District Court
Northern District of New York
15 Henry Street
Binghamton, NY 13901

Re: *Hunter et al v. Cortland Housing Authority et al*; Case No. 5:2023-cv-01540
Status Update

Dear Judge Lovric,

We represent Plaintiffs Robert Hunter (“Hunter”), Doug Merrin (“Merrin”), Elmer Irwin (“Irwin,” collectively with Hunter and Merrin, the “Individual Plaintiffs”), and proposed Plaintiff the Second Amendment Foundation (“SAF,” and, collectively with the Individual Plaintiffs, “Plaintiffs”) in the above-captioned matter. We write in response to Your Honor’s March 7, 2024 Order that the Parties file status updates regarding the progress of litigation [ECF 41].

Currently before this Court are Plaintiffs’ Motion to Compel and for Sanctions [ECF 47, letter motion ECF 43], Defendants’ letter Motion to Compel [ECF 51], and Plaintiffs’ Motion for Leave to File their Second Amended Complaint [ECF 55].

Plaintiffs’ Motion to Compel seeks an Order requiring disclosure of information related to investigations of tenants’ criminal backgrounds by Defendants. Specifically, Plaintiffs are seeking the results of background checks that were completed on CHA tenants together with a description of the individuals responsible for such background checks. Defendants objected to this production, citing Section 159 of the N.Y. Public Housing Law, even though this statute makes an exception allowing disclosure of information in matters where a housing authority is a party to an action.

Plaintiffs’ Motion to Compel also seeks sanctions against Defendants for spoliation of evidence, in view of Defendants’ statements that they were deleting relevant documents in their possession. This Court ordered Defendants to “immediately cease deleting materials in information, in any form” and to “preserve all materials and information” as described in Plaintiff’s letter motion. ECF 44.

Defendants’ letter Motion to Compel [ECF 51] seeks a conference with this Court “to make sure that the parties may remain on track with the case management plan in this matter.” A hearing on Defendants’ Motion to Compel is scheduled to take place tomorrow afternoon in Binghamton, New York. [ECF 54]. Plaintiffs responded to Defendants’ Motion to Compel on June 7, and objected to Defendants’ letter motion as premature in view of their failure to make a good faith effort to meet and confer. [ECF 56].



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In connection with Plaintiffs' Motion for Leave to File their Second Amended Complaint [ECF 55], Plaintiffs' proposed Second Amended Complaint seeks to re-join SAF as a party to this action and will also add Carole Preston and Heather Wasley as Defendants. The Second Amended Complaint will add claims arising from Defendants' recent conduct (including a set of claims stemming from Defendants' retaliation against Hunter), will add facts relating to SAF's standing to bring this action, and will add newly discovered facts from the deposition of Carole Preston.

Thank you for your attention to this matter.

Respectfully Submitted,

/s/ Serge Krimnus

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